

# What Was the Teacher Doing When MY Child was Hurt? ©

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**The following items may help avoid an injury, show good faith efforts to maintain your playground or help you limit damages:**

- Have daily written inspections by staff and frequent inspections by maintenance personnel
- Repair broken or damaged equipment immediately using factory original parts where possible
- Have your playground inspected by a certified playground safety inspector every year and after any changes in equipment or the site which would effect the playground
- Photograph your playground each year, and after the addition of new equipment.
- Measure, photograph, and record the depth of the loose fill materials at least once every 3 months
- Photograph and date photos that show loose fill material being added to the use zones.
- Keep written and photographic records of repairs — showing damaged and repaired parts. Time-date photos with camera if possible or write dates on the back of every photograph.
- Keep a file of all manufacturers' materials for play equipment purchased for your playground.
- Keep a file regarding the company that installed the equipment, including information regarding its qualifications for doing so.
- Review your playground rules at the beginning of each year and periodically throughout the year with staff, children, and parents. Give parents two copies of the rules — one to keep, and one to sign and return.
- Make sure your staff members are trained in supervision and CPR, and document these training sessions.
- Make sure your staff members have child development training, and document the training in terms of course titles, class, or seminar names, instructor's name, and length of course.
- Review the promotional literature for your center — remove statements that obligate you to keep children safe and that may imply a higher standard of care than is possible.

## What to Keep On File©

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***Keep all information on file regarding your play equipment: items listed on the preceding page, purchase documents, catalog, bid specifications (if any) and a repair history. If you add new equipment, keep that information on file permanently.***

**Keep information regarding play equipment purchases on file.** You should keep information regarding the date of purchase, the manufacturer of the equipment, the catalog from which it was selected, and the manufacturer's recommendations for maintenance for as long as the equipment is present on the playground. If the equipment was purchased through a bid process, the bid documents should also be kept with the other information.

**Keep maintenance information on file.** If your center's playground is subject to extreme weathering, frequent vandalism, or use by other groups, your center will need to develop a comprehensive prevention plan. *A comprehensive plan should include high frequency inspections (routine maintenance), low frequency inspections (repair and maintenance) and at least annual thorough inspections and service, both to the equipment and the playground area as a whole.*

**Keep staff qualification information on file.** Staff members typically must earn certification hours each year through additional training in supervision, child development or safety. Keep this information on file and updated!

## Preparation for Litigation©

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Once an injury occurs, the possibility of a lawsuit exists. Your success may depend on how well-prepared you are to defend your center, your staff, and their actions. Your attention to the condition of the playground on an ongoing basis is the first step in the process. Keeping thorough records prior to and after an accident is extremely important. Your best defense in the event of an injury is to act aggressively to minimize the damage. If you do not have an attorney, get one. She or he will be the best judge of your particular situation and will help you through the ordeal.

### **Your first responsibility is to attend to the injured child, but here's a list of steps program staff might take after an injury:**

- ✓ Record all the steps and procedures that were taken in response to the accident.
- ✓ Record all efforts made to contact parents regarding the accident.
- ✓ Write the names of adults and children who were present and who witnessed the accident.
- ✓ Count the number of children and staff present at the time of the accident to determine ratio compliance.
- ✓ Take detailed written statements from adults and children as soon as possible after the accident, and keep them on file off premises.
- ✓ Have teachers account for their positions on the playground and behaviors prior to, during the course of, and after the accident.
- ✓ Ask teachers to write **anything they said to the child before the accident occurred which was intended to correct or redirect a child's behavior, for any child but especially for the injured child**
- ✓ Photograph the equipment and area as soon as possible after the accident and time/date stamp the photo.
- ✓ If you have loose fill surfacing material, photograph it, measure its depth and photograph the measured depth.
- ✓ After an injury, keep others off the piece of equipment involved in the accident until it has been inspected. Do not remove the equipment, but secure it from use.
- ✓ If the equipment is inspected and determined to be unsafe, remove the equipment and store it in a protected location with all of its parts including hardware for at least two years after the accident involving the equipment. If this isn't possible, take detailed photographs of the equipment on the playground, and keep the hardware to show its condition. **If the equipment is in poor condition, you are under no obligation to keep it and make it available to the injured party, assuming there is no court order to do so.**
- ✓ If unsafe equipment is removed from your playground as a result of an inspection, but not as the result of an injury, don't give it to anyone else — destroy it. (Keep this information as an indication of your proactive safety program.)
- ✓ Monitor internal memos and staff communication and control content that may compromise your proactive safety stance.

